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IN THE HIGH COURT OF JUDICATURE AT BOBBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7766 OF 2006

Shri. Mohan Dattu Borge ... Petitioner

Versus

The State of Maharashtra and Ors.... Respondents

Mr. S.M. Sabrad for Petitioner.

Mrs. M.P. Thakur, A.G.P. for Respondents.

CORAM: F.I. REBELLO &
R.M. SAVANT,JJ.
DATED: MARCH 30, 2007

P.C.:

. It is the case of the Petitioner that the declaration under Section 6 was issued on 20.7.2000 and award was passed only on 12.10.2002 and consequently the award is nullity at law. The Petitioner has approached this court on 29.5.2006. In the Petition itself there is no explanation for the delay.

. The learned counsel states that as he has filed application under Section 48 and the outcome of which has yet to come. The challenge to the award is distinct and different from the application under Section 48. In our opinion, considering the laches, this will not he a fit case for this court to exercise its extra ordinary jurisdiction. In so far

as application under Section 48 is concerned, it is for the Government to take decision whether to give up or not. There is no right in the person whose land is acquired to challenge the said decision. Considering that at the land itself is acquired for public purpose, no interference is called for. Petition rejected.

(R.M. SAVANT,J.) **(F.I.REBELLO, J.)**